

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
v.) Criminal No. 08-372
TROY ALLAN MARTIN)

INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and James Y. Garrett, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A Federal Grand Jury returned a four-count Indictment against the above-named defendant for alleged violations of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1-4	Acquiring or obtaining possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge	21 U.S.C. §843(a)(3)
1	July 19, 2004	
2	May 1, 2005	
3	June 6, 2005	
4	June 30, 2005	

II. ELEMENTS OF THE OFFENSE

A. As to Counts 1-4:

In order for the crime of acquiring or obtaining possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge, in violation of 21 U.S.C. § 843(a)(3), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That on or about the dates set forth in the Indictment, the defendant acquired or obtained possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

21 U.S.C. §843(a)(3)

2. That the defendant did so knowingly or intentionally.

21 U.S.C. §843(a)

3. That Oxycodone is a controlled substance as defined in 21 U.S.C. §802(6).

III. PENALTIES

A. As to Counts 1-4: Acquiring or obtaining possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge (21 U.S.C. § 843(a)(3)):

1. A term of imprisonment of not more than four (4) years.
2. A fine not to exceed \$250,000.

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3. A term of supervised release of one (1) year.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013.

V. RESTITUTION

Not applicable in this case.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney



JAMES Y. GARRETT

Assistant U.S. Attorney
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